

Daniel Jenkins # 64784-050

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U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY  
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Nov. 14, 2017

Honorable Judge William H. Walls

U.S. Dist. Court Judge

U.S. Dist. Court

Newark, N.J. 07101-0999

RE: 2:15-CV-02091 - WHW

Dear Judge Walls,

I am writing to request permission to amend my 2255 Motion. Particularly, I seek to amend my motion by simply extending an argument already preserved in said motion. That is, that my prior conviction(s) for New Jersey statute, 2C:35-7, do not qualify as a controlled substance offense for sentencing and enhancement purposes.

To be clear, the argument I wish to extend is whether "school property" and "school bus" in § 2C:35-7 are alternative locational elements or means and whether "school property ... used for school purposes" in § 2C:35-7 is broader than "real property comprising a ... school" in § 860. The short answer is that "school property" and "school bus" are alternative locational means and that § 2C:35-7 is broader than § 860 where "school property ... used for school purposes" is broader than "real property comprising a ... school."

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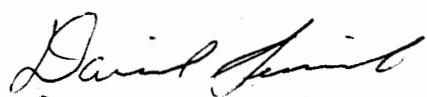
Letter requesting to amend

Please see: New Jersey Stat. Ann. § 2C:35-7(a), which prohibits any "violation] of [N.J. Stat. Ann. § 2C:35-5] by distributing, dispensing or possessing with intent to distribute a controlled dangerous substance" on or within 1000 feet of "school property used for school purposes ... or a school bus."

And: 21 U.S.C. § 860 which prohibits, among other things, "distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school."

In conclusion, your honor, I humbly request an amendment to simply extend the argument that my prior convictions for § 2C:35-7 is broader than its analogue, 21 U.S.C. § 860, as to its alternative locational means. As such, said prior convictions does not categorically qualify as a predicate for purposes of sentencing enhancements and career offender.

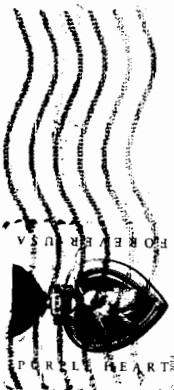
Respectfully submitted,

  
Daniel Jenkins

Please note that I humbly request this court to appoint me counsel to help me with this motion and arguments.  
Thank You.

INMATE NAME/NUMBER: Daniel Jenkins #64784-050  
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Att: Clerk of Court  
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Newark, NJ 07101  
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07102-355559

